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2 *Counsel of record*  
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13 400 Main Street, Suite 210  
14 Pleasanton, CA 94566-7371  
15 Tel. (925) 462-0191  
16 Fax. (925) 462-0404  
17 Email: pmacdonald@macdonaldlaw.net

18 Attorneys for Plaintiff and Real Party in Interest

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**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA**

INTERNATIONAL CHURCH OF THE ) Case No.: CO7-03605-PJH-JCS  
FOURSQUARE GOSPEL, )  
Plaintiff, ) **PLAINTIFF AND REAL PARTY IN  
INTEREST'S RULE 26 INITIAL  
DISCLOSURE**  
v. )  
CITY OF SAN LEANDRO, TONY )  
SANTOS (in his official capacity), )  
SURLENE G. GRANT (in her official ) **Date:** October 18, 2007  
capacity), DIANA M. SOUZA (in her ) **Time:** 9:00 a.m.  
official capacity), JOYCE R. ) **Ctrm:** 3  
STAROSCIACK (in her official ) **Hon.:** Phyllis J. Hamilton  
capacity), BILL STEPHENS (in his )  
official capacity), JIM PROLA (in his )

1 official capacity), JOHN JERMANIS (in )  
2 his official and individual capacities), )  
3 DEBBIE POLLART (in her official and )  
individual capacities), DOES 1-50, )  
Defendants. )  
FAITH FELLOWSHIP FOURSQUARE )  
CHURCH, )  
Real Party in Interest. )

Pursuant to FRCP 26(a), Plaintiff, INTERNATIONAL CHURCH OF THE  
FOURSQUARE GOSPEL, and Real Party in Interest FAITH FELLOWSHIP  
FOURSQUARE CHURCH make their mandatory initial disclosures.

Plaintiff and the Real Party in Interest are continuing to investigate  
Defendants' and the bases for their defense, and reserve the right to amend or  
supplement this information in the course of discovery, in the event additional  
information becomes available.

**A. INDIVIDUALS LIKELY TO HAVE DISCOVERABLE INFORMATION  
REGARDING DEFENDANTS' POSITION:**

1. Tony Santos  
835 East 14<sup>th</sup> Street  
San Leandro, CA 94577-3767  
Tel. (510) 577-3200  
Fax (510) 577-3340

1 Subjects of Information: Reasons for denial of the church applications for assembly  
2 use and rezoning. Whether there are other similarly situated properties within the  
3 jurisdiction of San Leandro.

4

5       2. Surlene G. Grant  
6           835 East 14<sup>th</sup> Street  
7           San Leandro, CA 94577-3767  
8           Tel. (510) 577-3200  
9           Fax (510) 577-3340

10 Subjects of Information: Reasons for denial of the church applications for assembly  
11 use and rezoning. Whether there are other similarly situated properties within the  
12 jurisdiction of San Leandro.

13       3. Diana M. Souza  
14           835 East 14<sup>th</sup> Street  
15           San Leandro, CA 94577-3767  
16           Tel. (510) 577-3200  
17           Fax (510) 577-3340

18 Subjects of Information: Reasons for denial of the church applications for assembly  
19 use and rezoning. Whether there are other similarly situated properties within the  
20 jurisdiction of San Leandro.

21       4. Joyce R. Starosciack  
22           835 East 14<sup>th</sup> Street  
23           San Leandro, CA 94577-3767  
24           Tel. (510) 577-3200  
25           Fax (510) 577-3340

26 Subjects of Information: Reasons for denial of the church applications for assembly  
27 use and rezoning. Whether there are other similarly situated properties within the  
28 jurisdiction of San Leandro.

1       5. Bill Stephens  
2       835 East 14<sup>th</sup> Street  
3       San Leandro, CA 94577-3767  
4       Tel. (510) 577-3200  
5       Fax (510) 577-3340

6 Subjects of Information: Reasons for denial of the church applications for assembly  
7 use and rezoning. Whether there are other similarly situated properties within the  
8 jurisdiction of San Leandro.

9       6. Jim Prola  
10      835 East 14<sup>th</sup> Street  
11      San Leandro, CA 94577-3767  
12      Tel. (510) 577-3200  
13      Fax (510) 577-3340

14 Subjects of Information: Reasons for denial of the church applications for assembly  
15 use and rezoning. Whether there are other similarly situated properties within the  
16 jurisdiction of San Leandro.

17       7. John Jermanis  
18      835 East 14<sup>th</sup> Street  
19      San Leandro, CA 94577-3767  
20      Tel. (510) 577-3200  
21      Fax (510) 577-3340

22 Subjects of Information: Reasons for denial of the church applications for assembly  
23 use and rezoning. Whether there are other similarly situated properties within the  
24 jurisdiction of San Leandro.

25       8. Debbie Pollart  
26      835 East 14<sup>th</sup> Street  
27      San Leandro, CA 94577-3767  
28      Tel. (510) 577-3200  
29      Fax (510) 577-3340

1 Subjects of Information: Reasons for denial of the church applications for assembly  
2 use. Whether there are other similarly situated properties within the jurisdiction of  
3 San Leandro.

4  
5 9. Marian Handa  
6 835 East 14<sup>th</sup> Street  
7 San Leandro, CA 94577-3767  
8 Tel. (510) 577-3200  
9 Fax (510) 577-3340

10 Subjects of Information: Reasons for denial of the church applications for assembly  
11 use and rezoning. Whether there are other similarly situated properties within the  
12 jurisdiction of San Leandro.

13  
14 10. William Schock  
15 835 East 14<sup>th</sup> Street  
16 San Leandro, CA 94577-3767  
17 Tel. (510) 577-3200  
18 Fax (510) 577-3340

19 Subjects of Information: Reasons for denial of the church applications for assembly  
20 use and rezoning. Whether there are other similarly situated properties within the  
21 jurisdiction of San Leandro.

22  
23 11. Hanson Hom  
24 835 East 14<sup>th</sup> Street  
25 San Leandro, CA 94577-3767  
26 Tel. (510) 577-3200  
27 Fax (510) 577-3340

28 Subjects of Information: Reasons for denial of the church applications for assembly  
use and rezoning. Whether there are other similarly situated properties within the  
jurisdiction of San Leandro.

12. Jane W. Williams  
555 12<sup>th</sup> Street, Suite 1500

1                   Oakland, CA 94607  
2                   Tel. (510) 808-2000  
3                   Fax (510) 1108

4 Subjects of Information: Reasons for denial of the church applications for assembly  
5 use and rezoning. Whether there are other similarly situated properties within the  
6 jurisdiction of San Leandro.

7                   13. Gary Mortara  
8                   577 Manor Blvd.  
9                   San Leandro, CA 94579  
10                  Tel. (510) 357-5723  
11                  Fax (510) 614-0668

12 Subjects of Information: Whether there are other similarly situated properties  
13 within the jurisdiction of San Leandro. Substantial burden on the church's free  
14 exercise of religion. Denial of rights under the First and Fourteenth Amendments to  
15 the U.S. Constitution.

16                  14. James Lee  
17                  577 Manor Blvd.  
18                  San Leandro, CA 94579  
19                  Tel. (510) 357-5723  
20                  Fax (510) 614-0668

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22 within the jurisdiction of San Leandro. Substantial burden on the church's free  
23 exercise of religion. Denial of rights under the First and Fourteenth Amendments to  
24 the U.S. Constitution.

25                  15. Paul Gantt  
26                  577 Manor Blvd.  
27                  San Leandro, CA 94579  
28                  Tel. (510) 357-5723

1 Fax (510) 614-0668  
2 Subjects of Information: Whether there are other similarly situated properties  
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4 exercise of religion. Denial of rights under the First and Fourteenth Amendments to  
5 the U.S. Constitution.  
6

7 16. David Mortara  
8 577 Manor Blvd.  
9 San Leandro, CA 94579  
10 Tel. (510) 357-5723  
11 Fax (510) 614-0668  
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14 exercise of religion. Denial of rights under the First and Fourteenth Amendments to  
15 the U.S. Constitution.  
16

17 17. Ed Bullok  
18 21790 Hesperian Blvd.  
19 Hayward, CA 94541-7003  
20 Tel (510) 582-2025  
21 Fax (510) 881-8301  
22 Subjects of Information: Whether there are other similarly situated properties  
23 within the jurisdiction of San Leandro. Substantial burden on the church's free  
24 exercise of religion. Denial of rights under the First and Fourteenth Amendments to  
25 the U.S. Constitution.  
26

27 18. Barbara Cabrera  
28 577 Manor Blvd.  
29 San Leandro, CA 94579  
30 Tel. (510) 357-5723  
31 Fax (510) 614-0668

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2 within the jurisdiction of San Leandro. Substantial burden on the church's free  
3 exercise of religion. Denial of rights under the First and Fourteenth Amendments to  
4 the U.S. Constitution.  
5

6 19. Casey Lee  
7 577 Manor Blvd.  
8 San Leandro, CA 94579  
9 Tel. (510) 357-5723  
Fax (510) 614-0668

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11 within the jurisdiction of San Leandro. Substantial burden on the church's free  
12 exercise of religion. Denial of rights under the First and Fourteenth Amendments to  
13 the U.S. Constitution.

14  
15 20. Matt Lacey  
16 577 Manor Blvd.  
17 San Leandro, CA 94579  
18 Tel. (510) 357-5723  
Fax (510) 614-0668

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20 within the jurisdiction of San Leandro. Substantial burden on the church's free  
21 exercise of religion. Denial of rights under the First and Fourteenth Amendments to  
22 the U.S. Constitution.

23  
24 21. Josephine Del Rio  
25 577 Manor Blvd.  
26 San Leandro, CA 94579  
27 Tel. (510) 357-5723  
Fax (510) 614-0668

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2 within the jurisdiction of San Leandro. Substantial burden on the church's free  
3 exercise of religion. Denial of rights under the First and Fourteenth Amendments to  
4 the U.S. Constitution.

5

6 22. Raul Rico  
7 577 Manor Blvd.  
8 San Leandro, CA 94579  
9 Tel. (510) 357-5723  
Fax (510) 614-0668

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12 exercise of religion. Denial of rights under the First and Fourteenth Amendments to  
13 the U.S. Constitution.

14

15 23. Catalina Vaughn  
16 577 Manor Blvd.  
17 San Leandro, CA 94579  
18 Tel. (510) 357-5723  
Fax (510) 614-0668

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20 within the jurisdiction of San Leandro. Substantial burden on the church's free  
21 exercise of religion. Denial of rights under the First and Fourteenth Amendments to  
22 the U.S. Constitution.

23

24 24. Alicia Swinderman  
25 577 Manor Blvd.  
26 San Leandro, CA 94579  
27 Tel. (510) 357-5723  
Fax (510) 614-0668

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1 Subjects of Information: Whether there are other similarly situated properties  
2 within the jurisdiction of San Leandro. Substantial burden on the church's free  
3 exercise of religion. Denial of rights under the First and Fourteenth Amendments to  
4 the U.S. Constitution.

5  
6 25. Olden Henson  
7 Hayward City Hall  
8 777 B Street, 4th Floor  
9 Hayward, CA 94541  
10 (510) 583-4000

11 Subjects of Information: Whether there are other similarly situated properties  
12 within the jurisdiction of San Leandro. Substantial burden on the church's free  
13 exercise of religion. Denial of rights under the First and Fourteenth Amendments to  
14 the U.S. Constitution.

15 26. Sam Maliniak  
16 1210 Coleman Ave.  
17 Santa Clarita, CA 95060  
18 Tel (408) 986-8711  
19 Fax (408) 986-0778

20 Subjects of Information: Whether there are other similarly situated properties  
21 within the jurisdiction of San Leandro. Substantial burden on the church's free  
22 exercise of religion. Denial of rights under the First and Fourteenth Amendments to  
23 the U.S. Constitution.

24 27. David Silvey  
25 415 Thrush Drive  
26 Patterson, CA 95363  
27 Tel. (209) 568-1200

28 Subjects of Information: Whether there are other similarly situated properties  
29 within the jurisdiction of San Leandro. Substantial burden on the church's free

1 exercise of religion. Denial of rights under the First and Fourteenth Amendments to  
2 the U.S. Constitution.

3  
4 28. Paul Chadbourne  
5 450 Main Street, Ste. 250  
6 Pleasanton, CA 94566  
7 Office 925-242-5881  
8 Fax 925-336-9299

9 Subjects of Information: Whether there are other similarly situated properties  
10 within the jurisdiction of San Leandro. Substantial burden on the church's free  
11 exercise of religion. Denial of rights under the First and Fourteenth Amendments to  
the U.S. Constitution.

12

13 **B. DOCUMENTS THAT PLAINTIFF AND REAL PARTY IN INTEREST  
14 MAY USE TO SUPPORT THEIR POSITION  
15 (BY CATEGORY):**

16 Unless indicated otherwise, all of the following documents have been  
17 electronically filed and served on counsel for the respective parties. Counsel for  
18 Plaintiff and Real Parties in Interest request that the documents noted as "in  
19 possession of City" be provided in Defendants' initial disclosure. Documents not  
20 previously filed with the Court are in the possession of the attorneys for the Plaintiff  
21 and Real Parties in Interest located at 9851 Horn Rd, Ste 115, Sacramento, CA  
22 95670.

23 ***Exhibit A (Plaintiff and Real Party in Interest's)***

24  
25 1. §a. Rezoning Application (May 11, 2007, and May 18, 2007) and related  
26 correspondence.  
27 2. 1. Initial application. May 11, 2006.  
28

- 1       3. 2. Application with signature for Gary Mortara. May 18, 2006.
- 2       4. 3. Letter from Gary Mortara, Faith Fellowship. May 11, 2006. Signed by
- 3           Gary Mortara.
- 4
- 5       5. 4. City acceptance letter. Planning Manager Debbie Pollart to Faith
- 6           Fellowship. June 29, 2006.
- 7
- 8       6. §b. Business Development Subcommittee (of City Council). June 8, 2006
- 9
- 10      7. 1. Agenda. (in the possession of City)
- 11      8. 2. Staff Report. (in the possession of City)
- 12      9. 3. Minutes. (in the possession of city).
- 13
- 14      10. §c. City Council. Meeting Open to Public. October 16, 2006
- 15
- 16      11. 1. Minutes of pleas by Faith Fellowship members for action.
- 17
- 18      12. §d. Business Development Committee (of City Council). October 12, 2006
- 19
- 20      13. 1. Agenda. (in the possession of city)
- 21
- 22      14. 2. Staff Report.
- 23
- 24      15. 3. Minutes. (in the possession of city)
- 25
- 26      16. §e. Joint Work Session. Planning Commission and Board of Zoning
- 27           Adjustments. October 19, 2006.
- 28
- 29      17. 1. Agenda.
- 30
- 31      18. 2. Staff Report. (in the possession of city)
- 32
- 33      19. 3. Minutes.

1           20. §f. Letter from Pacific Justice Institute to City on behalf of Faith Fellowship.

2           October 24, 2006.

3           21. §g. Board of Zoning Adjustments. Work Session re Assembly Uses.

4           December 7, 2006.

5           22. 1. Agenda.

6           23. 2. Staff Report.

7           24. 3. Minutes.

8           25. §h. West San Leandro/MacArthur Boulevard Redevelopment Advisory

9           Committee.

10          26. 1. Minutes.

11          27. 2. Powerpoint presented by Debbie Pollart. (in the possession of city)

12          28. §i. Redevelopment Advisory Committee, Joint Redevelopment Project Area.

13          January 17, 2007.

14          29. 1. Agenda. (in the possession of city)

15          30. 2. Staff Report. (in the possession of city)

16          31. 3. Minutes.

17          32. §j. Planning Commission. February 22, 2007. Re adoption of Assembly Use

18          Overlay District, and rezoning 196 parcels AU Overlay.1. Agenda.

19          33. 2. Staff Report.

20          34. 3. Minutes.

35. §k. City Council. March 19, 2007. Re adoption of Assembly Use Overlay District, and rezoning 196 parcels AU Overlay.

36. 1. Agenda.

## 37. 2. Staff Report.

### 38. 3. Minutes.

**39. 4. Adopted Ordinance No. 2007-005**

#### 40. 5. Adopted Ordinance No. 2007-006

41. §1. Revised Zoning Application from Faith Fellowship. March 20, 2007.

42. §m. Conditional Use Permit Application for Entertainment Activity in

Industrial Park District at 14600 Catalina Street. March 2007.

### 43. 1. Application.

## 44. 2. Site Plan

#### 45. 3. Required “proposed CUP findings”.

46. §n. Planning Commission. April 12, 2007. Re Application for rezone of

Catalina Street property to AU Overlay District.

47. 1. Agenda.

## 48. 2. Staff Report with attachments.

49. 3. Letter from Peter MacDonald on behalf of Faith Fellowship Church. April  
9, 2007

50 4 Statement by Paul Gantt Hazardous Materials Expert

- 1        51. 5. Petition signed by approx. 1700 supporters (in City's possession).
- 2        52. 6. Minutes.
- 3        53. §o. City Council. May 7, 2007. Re Application for rezone of Catalina Street
- 4              property to AU Overlay District.
- 5        54. 1. Agenda.
- 6        55. 2. Staff Report with attachments.
- 7        56. 3. Letter from Peter MacDonald on behalf of Faith Fellowship Church. May
- 8              4, 2007.
- 9        57. Attachment 1 – Photos of Manor and Catalina properties on Sunday morning
- 10              at 10:00
- 11        58. Attachment 2 – Site plan for Faith Fellowship Church
- 12        59. Attachment 3 – Street map showing arterial access to proposed church
- 13        60. Attachment 4 – Paul Gantt experience and education
- 14        61. Attachment 5 – AO Zones within City
- 15        62. Attachment 6 – Map of supporters in Manor Street and Catalina Street
- 16              Neighborhoods
- 17        63. Attachment 7 – Letter from Pacific Justice Institute dated May 2, 2007
- 18        64. 4. Minutes
- 19        65. 5. Minute Order denying application.
- 20        66. 6. Letter requesting Reconsideration, Mortara to Jermanis. May 15, 2007.

1       67. §p. City Documents: General Plan Excerpts:

2       68. Cover and Table of Contents

3              pp. 3.51-3.54. Planning Issues: Land Use Compatibility.

4              pp. 3.59-3.65. Industrial and Office Districts.

5              pp. 3.73-3.75. Land Use Compatibility.

6              pp. 4.30-4.32. Coordinating Land Use and Transportation.

7              pp. 6.37-6.39. Hazardous Materials.

8       69. §q. City Documents: Zoning Code Excerpts:

9              1. Article 1. Title, Components, and Purposes.

10              Article 3. Definitions:

11              -Assembly Use.

12              -Entertainment Activity.

13              -Commercial Recreation.

14              3. Article 7. Industrial Districts.

15              ***Exhibit B (Plaintiff and Real Party in Interest's)***

16       70. Assembly Use Hazmat Map

17              ***Exhibit C (Plaintiff and Real Party in Interest's)***

18       71. California Building Code 203-A

19              ***Exhibit D (Plaintiff and Real Party in Interest's)***

20       72. Hazardous Material Business Plan Listings

1           ***Exhibit E (Plaintiff and Real Party in Interest's)***

2       73. Catalina Property City Taxes

3           ***Exhibit F (Plaintiff and Real Party in Interest's)***

5       74. Projects Completed by McNely Construction Company

6           ***Exhibit A (Attached to Debbie Pollart's Declaration)***

7       75. Faith Fellowship's Planning Permit for a rezone and check for \$2,000

9           ***Exhibit B (Attached to Debbie Pollart's Declaration)***

10      76. Letter to Jim Lee concerning application for zoning code text amendment

11           ***Exhibit C (Attached to Debbie Pollart's Declaration)***

13      77. Memorandum regarding assembly uses in Industrial Limited zoning district

14      Map of Potential Assembly Use Areas in San Leandro

16           ***Exhibit D (Attached to Debbie Pollart's Declaration)***

17      78. October 19, 2006 staff report concerning potential zoning code

18      amendments

20      79. Overview of Residential Site Plan Review Requirements

21      80. Development Standards Comparison for Single-Family Residences

22      81. Map of Potential Assembly Use Areas in San Leandro

24      82. ***Exhibit E (Attached to Debbie Pollart's Declaration)***

25      83. Minutes for Joint Worksession on October 19, 2006

27           ***Exhibit F (Attached to Debbie Pollart's Declaration)***

- 1       84. February 22, 2007 staff report concerning potential zoning code
- 2              amendments
- 3       85. Ordinance of City of San Leandro deleting portions of zoning code
- 4
- 5       86. Assembly Use Overlay Criteria Study
- 6
- 7       87. Recommended Findings of Fact for Approval
- 8
- 9       88. List of Properties Proposed for the Assembly Use Overlay
- 10
- 11      89. City of San Leandro Community Development Department Negative
- 12              Declaration
- 13
- 14      90. Initial Study Checklist Form
- 15
- 16      91. Environmental Factors Potentially Affected
- 17
- 18      92. Map indicating where San Leandro is located
- 19
- 20      93. Proposed Assembly Use Overlay – List of Parcel Numbers and Addresses
- 21
- 22      94. City of San Leandro Assembly Use Criteria Study
- 23
- 24      95. Excerpt of December 7, 2006 Board of Zoning Adjustments Meeting
- 25
- 26      96. Excerpt of Draft Minutes from 12-20-06 WSL/MacArthur RAC
- 27
- 28      97. Excerpt Draft Minutes of the January 17, 2007 Joint RAC Meeting
- 29
- 30      98. Excerpt from 10-19-06 Joint BZA/PC Meeting

***Exhibit G (Attached to Debbie Pollart's Declaration)***

- 25       99. Minutes for Planning Commission meeting on February 22, 2007

***Exhibit H (Attached to Debbie Pollart's Declaration)***

- 1 100. Planning Commission Application
- 2 101. Agreement for Payment of Fees for Application Processing
- 3 102. Check for \$1,000 and receipt from City of San Leandro
- 4 103. Letter from Jim Lee regarding application for Conditional Use Permit
- 5 104. Notice of Manual Filing with Tenant Improvements

7 ***Exhibit I (Attached to Debbie Pollart's Declaration)***

- 9 105. Letter regarding incomplete Conditional Use Permit Application (April
- 10 25, 2007)

11 ***Exhibit J (Attached to Debbie Pollart's Declaration)***

- 13 106. Application for Appeal to City Council

14 ***Exhibit K (Attached to Debbie Pollart's Declaration)***

- 15 107. April 12, 2007 staff report concerning potential zoning code
- 16 amendments
- 18 108. Vicinity Map Showing Existing Land Uses and Zoning
- 19 109. May 11, 2006 letter from Gary Mortara to City of San Leandro
- 21 110. Findings of Fact for Denial of Catalina Street property
- 22 111. Letter from homeowners' association presidents regarding Manor Blvd.
- 23 location
- 25 112. Letter from JoAnn Irons to Mayor and City Council
- 26 113. Letter from Ron Boehm to Hansom Hom supporting zone change

- 1 114. Letter from Richard Spratling supporting move to Catalina Street
- 2 115. Letter from Gary Mortara to Dave Clare requesting support for move
- 3 116. E-mail from Scott Hess regarding potential move to Catalina Street

4  
5 ***Exhibit L (Attached to Debbie Pollart's Declaration)***

6 117. Minutes from April 12, 2007 Planning Commission Meeting

7  
8 ***Exhibit M (Attached to Debbie Pollart's Declaration)***

9 118. Findings of Fact for Denial of Catalina Street property

10  
11 ***Exhibit A (Attached to William Schock Declaration)***

12 119. Floor Plan for MDL Information Systems located at 14600 and 14850  
13 Catalina St. in San Leandro, CA.

14  
15 ***Exhibit B (Attached to William Schock Declaration)***

16 120. Aerial photograph of the property located at 14600 and 14850 Catalina  
17 St. in San Leandro, CA.

18  
19 ***Exhibit A (Attached to Marian Handa Declaration)***

20 121. Planning Commission Staff Report Vicinity Map for the property  
21 located at 14600 and 14850 Catalina St. in San Leandro, CA.

22  
23 ***Exhibit B (Attached to Marian Handa Declaration)***

24 122. Minutes of the May 7, 2007, San Leandro City Council meeting.  
25 123. Memo from Nathan Dison to Jim Lee (May 6, 2007)

1 124. Floor Plan of property located at 14600 and 14850 Catalina St. in San  
2 Leandro, CA by Roger Wilson, Architect

3 125. City of San Leandro Rosters (January 2007)

4 126. Letter from Kevin Snider to City Council (May 2, 2007)

5 127. Letter from Gary Mortara to Jeremy Brown (April 4, 2007)

6 128. Loan Amortization Schedule

7 129. Note re property tax exemption (May 22, 2007)

8 130. Alameda County Property Tax Statements 2006-2007

9 131. Memo from Hansom Hom to Debbie Pollart (October 12, 2006)

10 132. Email from Debbie Pollart to Jim Lee (February 5, 2007)

11 133. Letter from Kevin Snider to Debbie Pollart (February 2, 2007)

12 134. Letter from Debbie Pollart to Kevin Snider (February 9, 2007)

13 135. Letter from Debbie Pollart to Kevin Snider (March 2, 2007)

14 136. Letter from Kevin Snider to Debbie Pollart (March 15, 2007)

15 137. Letter from Debbie Pollart to Kevin Snider (April 16, 2007)

16 138. Petition to the City of San Leandro

17 139. Letter from Dan McNely to Jim Lee (June 27, 2007)

18 140. "Information on Paul Gantt"

19 141. Faith Fellowship Detail Ledger Report from 01/01/07 to 05/05/07.

20 142. Article in San Leandro Times, "Church uses technology for change"

1       143.     City of San Leandro Invoice #246085  
2       144.     San Leandro Finance Dept. Memo re accounts receivable for Faith  
3              Fellowship Church  
4  
5       145.     Memo from Lorrain Taylor to Jim Lee (06/23/06)  
6  
7       146.     Letter from Jim Lee to Debbie Pollart (May 19, 2006)  
8  
9       147.     Letter from Gary Mortara to Luke Simms (May 11, 2006)  
10  
11      148.     West San Leandro/MacCarthur Blvd. Redevelopment Advisory  
12              Committee – Summary of Meeting (June 21, 2006)  
13  
14      149.     San Leandro Board of Zoning Adjustments and Planning Commissions  
15              – Minutes for Joint Work Session (October 19, 2006)  
16  
17      150.     San Leandro Board of Zoning Adjustments and Planning Commissions  
18              – Agenda for Joint Work Session (October 19, 2006)  
19  
20      151.     Email from John Jermanis to Rudy Jasso (10/11/06)  
21  
22      152.     Email from Scott Hess to Gary Mortara (10/19/06)  
23  
24      153.     Letter from Gary Mortara to Dave Clare (10/25/06)  
25  
26      154.     Letter from Gary Mortara to Scott Hess (10/25/06)  
27  
28      155.     San Leandro Board of Zoning Adjustments and Planning Commissions  
            – Agenda for Joint Work Session (Dec. 6, 2006)  
29  
30      156.     Email from Debbie Pollart to Jim Lee (Nov. 22, 2006)  
31  
32      157.     Email from Wayne Campbell to Tony Santos (Nov. 1, 2006)

1       158.     Excerpt of Board of Zoning Adjustments Meeting (Dec. 7, 2006)

2       159.     Proposed Zoning Code Amendments (Dec. 7, 2006)

3       160.     San Leandro Planning Commission Agenda (Feb 22, 07)

4       161.     San Leandro Planning Commission Minutes (Feb 22, 07)

5       162.     Email from Debbie Pollart to Jim Lee (Feb. 5, 2007)

6       163.     Memo from Debbie Pollart to the Planning Commission (Feb 22, 2007)

7       164.     San Leandro City Council and Redevelopment Agency joint meeting –

8              Summary (Mar. 19, 2007)

9       165.     San Leandro City Council and Redevelopment Agency joint meeting –

10             Agenda (Mar. 19, 2007)

11       166.     Agreement for Payment of Fees for Application Processing (Mar. 28,

12             2007)

13       167.     San Leandro City Council and Redevelopment Agency joint meeting –

14             Agenda (Mar. 5, 2007)

15       168.     Faith Fellowship Community Awareness Announcement

16       169.     Email from Eda Dotzek to Gary Mortara (Mar. 8, 2007)

17       170.     Letter from Richard Spratling (Mar. 5, 2007)

18       171.     Letter from Gary Mortara to Luke Simms (03/20/03)

19       172.     Planning Permit Application (03/20/07)

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1       173.     Planning Permit Application and accompanying letter from Jim Lee to  
2     Luke Simms (03/28/07)

3       174.     Receipt for conditional use permit (03/28/07)

4       175.     San Leandro City Council and Redevelopment Agency joint meeting –  
5     Agenda (April 2, 2007)

6       176.     San Leandro Planning Commission – unnamed document (probably  
7     summary) (April 12, 2007)

8       177.     San Leandro Planning Commission – Minutes (April 12, 2007)

9       178.     Application for Appeal (April 15, 2007)

10      179.     Letter from Rick Amezcua (April 11, 2007)

11      180.     Letter from Peter MacDonald to Planning Commission (April 9, 2007)

12      181.     Memo from Debbie Pollart to Planning Commission (April 12, 2007)

13      182.     Letter from

14      183.     San Leandro City Council and Redevelopment Agency joint meeting –  
15     Summary (May 7, 2007)

16      184.     San Leandro City Council and Redevelopment Agency joint meeting –  
17     Agenda (May 7, 2007)

18      185.     Email from Gary Mortara to Tony Santos (May 11, 2007)

19      186.     Letter from Auturo Bautista to Tony Santos (May 10, 2007)

20      187.     Letter from Sam Maliniak to San Leandro City Council (May 7, 2007)

188. Letter from Jim Lee to Kathleen Livermore with memo from Nathan Dison to Jim Lee (September 7, 2007)

189. Letter from Kathleen Livermore to Jim Lee (September 20, 2007)

### C. COMPUTATION OF DAMAGES

As a result of the actions of the defendants, the Church has been unable to use a building which it purchased. The damages are the mortgage payment of \$33,809.88 per month since the time that the city determined to include the property in the assembly overlay on May 7, 2007. Damages are continuing in nature.

#### **D. INSURANCE POLICIES**

Plaintiff and Real Party in Interest have no applicable insurance policies.

Date: October 8, 2007

/S/ Kevin Snider

Kevin T. Snider

Mathew B. McReynolds

Peter D. MacDonald

Attorneys for Plaintiff and

## Real Party in Interest